

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL EURELLE JACQUES,  
Plaintiff,  
v.  
D. TILLERY,  
Defendant.

No. 2:23-cv-0079 KJN P

## ORDER AND FINDINGS AND RECOMMENDATIONS

By order filed June 29, 2023, plaintiff was ordered to show cause, within thirty days, why decedent D. Tillery, the sole defendant, and this action should not be dismissed. The thirty day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

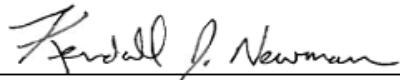
In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

IT IS RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified

1 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153  
2 (9th Cir. 1991).

3 Dated: August 1, 2023

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5 KENDALL J. NEWMAN  
6 UNITED STATES MAGISTRATE JUDGE

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